

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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THOMAS PEREZ,

Plaintiff,

v.

Case No. 15-C-221

EL AZTECA RESTAURANTS, INC.,

Defendants.

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**ORDER**

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The Plaintiff, the Secretary of Labor, issued subpoenas on March 30, 2016 to VVH & Associates and Schenck, S.C., accounting firms that handled business for the Defendant. The Defendants moved to quash the subpoenas on the grounds that the scheduling order requires that discovery be completed by March 31. Given the last-minute subpoenas, which were not served until April 1, it would be impossible to comply with the scheduling order, and so the Defendants believe they should be quashed.

The Plaintiff argues that it only recently learned, in depositions, that VVH and Schenck might have discoverable information, and so it was not dilatory in issuing the subpoenas. Moreover, the discovery they seek would be very close to compliance with the scheduling order. I am satisfied that the scheduling order should be expanded to allow the subpoenas in question. There is no suggestion of tactical advantage or undue delay, and no prejudice will be sustained by the Defendants.

Accordingly, the motion to quash is **DENIED**. The Plaintiff may proceed with the above-described discovery through April 12.

**SO ORDERED** this 8th day of April, 2016.

/s William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court